

3 Steps to CASL Compliance

The **Canadian Anti-Spam Legislation (CASL)** will be enforced starting on July 1, 2014 and is applicable to anyone who makes use of commercial electronic messages. This means if you have an email address in your email marketing campaign that you suspect belongs to a Canadian, or if anyone opens your email in Canada, this law is applicable even if your business is based in the U.S. or any other country outside of Canada.

Here's what you'll need to do to make sure you're CASL ready:

1. Review Your Email Address Collection Methods

For all Canadian email addresses added to your email marketing database after July 1, 2014, CASL requires you to document consent, either implied or express.

Implied consent is inferred based on actions, such as having an existing business relationship (making a purchase or donation, for example). In order to maintain implied consent a contact must take a business action with you at least once every two years.

Express consent is obtained when you explicitly ask your potential contacts for permission to send them email, and they agree. Once you obtain express consent, it is good forever or until someone opts out.

When possible we recommend obtaining express consent.

In order to obtain express consent when collecting email addresses — online and offline — make sure you can answer "yes" to the following questions:

Does your sign-up form have clear and obvious language asking for permission to send the contact future electronic messaging?

Does your sign-up form clearly identify the person, business, or organization asking for the consent?

Does your sign-up form contain a valid mailing address and either a telephone number, email address, or web address?

Does your sign-up form indicate that there will be a mechanism for people to easily unsubscribe at any time?

Do you have a process in place to document this express consent?

If you use the Constant Contact website sign-up form after July 18, 2014 to collect email addresses it will contain the necessary information and you will have a record of express consent from your contacts that will be tracked and documented within Constant Contact.

If you are using methods other than the Constant Contact website sign-up form, such as a third-party sign-up form, manually uploading a list, or a paper sign-up form, you'll need to make sure you're adding the appropriate CASL-compliant language to all of these sign-up methods and save documentation of the contact's express permission.

2. Obtain Express Consent from Existing Canadian Contacts

For contacts added prior to July 1, 2014 you must be able to document express consent before July 1, 2017 (three years after the law goes into effect). We recommend you start taking any necessary actions to comply with CASL sooner than later.

Review your email list to answer the following:	YES	NO
Do you have any contacts with an email address ending with .ca?	<input type="checkbox"/>	<input type="checkbox"/>
Do you have any contacts with a Canadian physical address or phone number associated with an email address?	<input type="checkbox"/>	<input type="checkbox"/>

If the answer is yes, we recommend sending a dedicated email to your Canadian contacts asking them to confirm their opt-in status by clicking a link within the email. When a contact clicks on the opt-in link in the email the contact will be tracked as express consent by Constant Contact. We're creating a special CASL template to make this process simple for you.

Note: You'll be able to track and document express consent with Constant Contact by exporting your contacts as .csv file. In this file you'll be able to view the following information about your contacts:

Status (active/removed/unsubscribed/confirmed/awaiting confirmation)

Date of confirmed opt-in (if used)

Source (added by you/website sign-up form/third-party integration)

Permission status (express vs. implied)

3. Make Sure Ongoing Communications have the Appropriate Information

All marketing emails you send must contain the following information in order to be CASL compliant.

Make sure you can answer "yes" to the following questions:	YES	NO
Does the email clearly identify the person, business, or organization sending the message?	<input type="checkbox"/>	<input type="checkbox"/>
Does the email identify the Email Service Provider?	<input type="checkbox"/>	<input type="checkbox"/>
Does the email have a mechanism for people to easily unsubscribe at any time?	<input type="checkbox"/>	<input type="checkbox"/>
Does your email contain a valid mailing address and either a telephone number, email address, or web address?	<input type="checkbox"/>	<input type="checkbox"/>

Note: All emails sent through your Constant Contact account include the information above and will be in compliance with CASL.

These guidelines set forth by CASL mirror best practices in email marketing.

Permission-based email marketing is the best route to developing long-lasting customer relationships. We've seen that businesses that focus on permission-based marketing demonstrate that they value the trust and privacy of each and every customer. As a result, they have better open rates, less spam reports, and more opportunities to grow their business. By building permission-based lists the way CASL outlines, you'll keep yourself safe by being in compliance and set yourself up for marketing success!

Want more information on CASL?

Constant Contact CASL Resources page | www.constantcontact.com/casl

Do you have more questions?

Call one of our specialists to review CASL and ensure you're in compliance.

866.433.8499

Other CASL Resources

The information included in this checklist is a summary of the provisions of CASL and not a substitute for legal advice. More information can be found on the official CASL website:

<http://fightspam.gc.ca/eic/site/030.nsf/eng/home>